

## **West Virginia Executive Branch Privacy Policy: Consent**

### **Consent for Marketing Communications**

#### **QUESTION:**

**Do I have to consent to receiving marketing communications?**

#### **ANSWER:**

Unless consent is required by law, the Consent Policy does not require Departments to obtain opt-in consent prior to sending marketing communications to individuals. It does require each Department to honor an individuals' right to opt-out of receiving targeted marketing communications. This means that each Department must establish an opt-out list (often called a suppression list) if it sends any type of promotion or marketing communications.

Please note that every person that receives marketing communications has the right to opt-out. This includes consumers, but is not limited to consumers. Even professionals and vendors have the right to opt-out of receiving marketing messages.

If you send any type of marketing or promotional communications, you must:

- Consult the Department's internal opt-out lists prior to sending communications,
- Ensure that e-mail communications contain working opt-out mechanisms that comply with the CAN-SPAM Act,
- Ensure that telemarketing programs comply with the applicable requirements of state and Federal laws, including the Telephone Consumer Protection Act (for all telephone calls) and the Telemarketing Sales Rule (for telephone calls to consumers),
- Ensure that fax communications comply with the applicable requirements of state and Federal laws, including the Telephone Consumer Protection Act, and
- Accept opt-out requests that result from other marketing communications (*e.g.*, direct mail) and add the individuals who have opted out to the appropriate internal suppression lists.